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SPEECH

OF

MR. SIMS, OF SOUTH CAROLINA,

ON

THE OREGON QUESTION.

Delivered in the House of Representatives, U. S., February 7, 1846.

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SPEECH.

The House being in Committee of the Whole, and having under consideration the report and resolutions of the Committee on Foreign Affairs, with the amendment proposed by the chairman—

Mr. SIMS, of South Carolina, said :

Mr. CHAIRMAN: After all that has occurred in the progress of this debate ; after the repeated thrusts that have been made at the South generally, and more particularly at that portion of it which it is my honor in part to represent, it may be expected of me that, in the few remarks I propose to make on this occasion, something should be said in its vindication, and that I should indignantly hurl back the poisoned shafts which have been aimed at my constituents.

I regret exceedingly that anything should have occurred in the present discussion having a tendency to excite party or sectional feelings. Truth, and truth only, should be the object of every candid inquirer. This, under the guidance of patriotic motives, will lead us safely through every emergency of public affairs. The peculiar obstacles which beset our way have their origin in the indulgence of passion and prejudice. If there be obstacles to the public prosperity more potent than any, or all others, they are excited and angry passions, deep-rooted and bitter prejudices. No individual will easily find the truth when his path is beset with all those obstacles which can be presented by these mighty elements of error. The committee will, therefore, excuse me from the task of defending the South from the imputations which have been so unsparingly cast upon that section of the country. To those who are ignorant of our history, any statement of mine would be of small avail ; to those who are acquainted with it, no other vindication is necessary. In the war of the Revolution, in the war of 1812, at all times, whenever any emergency required their aid ; whenever power, either in arms or intellect, has been required for the service of the country, the conduct and contributions of the South generally, and the conduct and contributions of South Carolina particularly, have been such as to need no vindication at my hands, either of the State or any of her distinguished sons. Besides, it is derogatory to truth, to patriotism, and to the dignity of debate, to seek to employ the agency of passion and prejudice in a great subject, like this, of international concernment. I have learned a better example even from semi-barbarian Rome. One of her own historians, in the terse and direct dialect of his times, has told us—*Jurgia; discordias, simultates cum hostibus exercebant; cives cum civibus de vertute certabant.*

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It was not by mutual crimination and recrimination that the patriotic Romans, his po in the better and earlier days of the republic, sought to advance the public weal; refered these were reserved for their enemies, as a proper part of the conduct of public reads. war; but by the spirit of concord, and by a noble zeal and emulation in the pub. made lic service rather, did they strive for this high aim. In this enlightened and the au Christian age experience too sadly proves that, even in an American Congress. was c on a great national question, gentlemen can be found who may profitably learn land— dictates of civil policy, and feelings of humanity itself, from a semi-barbarian the le republic. Truth, and the interest of the country as conformed to the principles appare of truth and right, are the objects to which we should look, rather than to seek article an engagement, in sectional or party vituperation, with the bowmen and slingers land, of party who are wont to skirmish in our legislative assemblies. them,

The proposition submitted to the committee, in the resolutions under consid- chang ration, is—Shall notice be given to the Government of Great Britain that the that w convention of August, 1827, between the United States and that Power, touch- the la ing the territory of Oregon, will, at the end of twelve months, be abrogated? by ne In its solution two questions must be necessarily decided. First. The constitu- be by tional power of the House of Representatives to legislate in the matter; and, sions secondly, the expediency of the measure proposed. I invite the attention of the Cong Th committee to a brief and candid examination of both.

In distributing the powers of the Federal Government among the several de- implic departments, the framers of the Constitution, and the people of the several States a con who ratified it, thought proper to confer the treaty-making power on the Execu- obvio tive, not absolutely, however, but to be exercised “by and with the advice and the ju consent of the Senate,” two-thirds of whose members present are required to laws concur. locate

It was a mooted question in the convention when the Constitution was framed, Bu that as it still is with text-writers, whether the power to make treaties is, in strict- that ness, an Executive or a Legislative power. In the feudal monarchies of Europe gene under the power is generally lodged with the Executive; in the ancient Democracies unde Mass the power is generally lodged with the Executive; in the modern republics, it has always been claimed as a Legis- rfact to pr lative power. But in our admirably-balanced Constitution it is divided, so as to Cong to pr This distribution of the power, with the check upon its exercise which it secures, cons cons was made for wise and prudent considerations, looking as well to the interests of cloth cloth the country as to good faith in the observance of international compacts. capa

Sir, the question recurs, is the proposed notice, by which a treaty stipulation T juris is to be abrogated, an act which, according to the Constitution, pertains to the legislature, or does it belong exclusively to the treaty-making power?

A gentleman from Ohio, (Mr. THURMAN,) made an able and elaborate argu- ment to prove that it legitimately pertains to the legislature; and he cited author

ity, both from the Constitution and the action of Congress heretofore, to sustain his position. His references I regard as unfortunate and inapplicable. His first reference was to the sixth article of the Constitution, the second clause of which reads. "This Constitution, and the laws of the United States which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the United States, shall be the supreme law of the land." It was contended, that because treaties are here called laws—supreme laws of the land—legislation is necessary to alter or abrogate them; that, like all other laws, the legislative power can alone repeal them. The fallacy of this construction is apparent, if we look either to the enormity of its result, or to the object of the article in the Constitution. If, because treaties are thus denominated laws of the land, the legislative branch of the Government has power to remodel or abrogate them, by the same mode of interpretation, it would have power to modify, change, or abrogate the Constitution itself. This other result must also follow, that when a treaty is once made and ratified, and thus become incorporated into the law of the land, the treaty-making power can no longer modify or abrogate it by negotiation, but all subsequent action, either to change or abrogate it, must be by the legislature. These results are too clearly inconsistent with the provisions of the Constitution, and too enormous in the concentration of power in Congress, to be tolerated for a moment.

The object proposed in the article quoted was not to confer, directly or by implication, any additional power on Congress, but to prevent and guard against a conflict of laws, and to secure good faith in the execution of treaties. This is obvious from the concluding member of the clause itself, which proceeds: "And the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding." The power cannot well be located in this part of the Constitution.

But, the gentleman again supposes, that the power may very well be found in that grant which enables Congress "to provide for the common defence and general welfare." If this gives us power to abrogate a treaty, we have power under it to do whatever else we please. In 1832,* the venerable gentleman from Massachusetts, (Mr. ADAMS,) made a long and able report on the subject of manufactures and the tariff; and his argument in that report, to show that the power to protect domestic industry by duties on foreign merchandise was conferred on Congress, rested on that same expression in the Constitution. A latitudinous construction like this will give to Congress all power, on all subjects, and will clothe us with the omnipotence of the British Parliament, which is said to be capable of everything short of physical impossibilities.

The favorite power under which Congress is supposed to be invested with jurisdiction over treaties, is that of declaring war.

* Rep. No. 481, Ho. Reps., 22d Congress, 1st session.

There can be no doubt, that a declaration of war terminates all treaties previously subsisting between the belligerents. If Congress choose to abrogate treaties, by an actual exercise of this power in making a declaration of war, no one will deny the authority. But, short of this, it would require a very refined ingenuity to trace the legislative competency of Congress on the subject. Treaties constitute the conventional law of nations. As a part of public law they are binding on the authorities of the contracting parties; and being thus binding, for the purpose of securing good faith, they become a part of the municipal law of the respective nations, and in this manner binding on the citizens or subjects of each country. So long as a treaty is a part of the public law, it belongs exclusively to the treaty-making power to alter or abolish it. Such is the object and letter of the Constitution, no less than the principle of international law. If a treaty be violated by the other contracting party, and thus cease to be binding as public law, Congress may declare it no longer binding, as a part of the municipal law, on the citizens. These are the only contingencies in which Congress, under the Constitution, can rightfully interfere with treaties. By a declaration of war it may abrogate treaties, as constituting a part of public law; when the other party has violated the treaty, or made actual war, it may declare such treaty no longer binding on the citizens as a part of the municipal law.

It is not proposed to declare war against Great Britain, nor is it pretended that the treaty stipulations between the United States and that power have been violated. How, then, can Congress, under the war-making power, have authority to give the proposed notice, in abrogation of the treaty? The error arises from a misapprehension of the distinct attributes of the different departments of the Government. In war, quasi or actual, the legislature controls treaties; in peace, the treaty-making power alone makes, alters, or abolishes them.

It is further contended, however, that Congress has a right to abrogate any treaty, when its effects are found to be so disastrous as to threaten the public interests, and to make even war preferable to a longer continuance of the evil.

When treaties become thus disastrous to the public weal, they ought to be abrogated; and, if the other contracting party refuse, by negotiation, to modify or abolish them, there arises a good cause of war. But if Congress, without a declaration of war, under these circumstances, should undertake to declare them void, I have much misunderstood both the integrity and the intelligence of our judiciary, if all questions arising under such treaties would not be adjudged in reference to the validity of the treaties, notwithstanding the act of Congress. The only ground on which the action of Congress, in such a case, could be justified, would be, not *per cartam*, but *supra cartam*—the necessity of the public interests, for the time, setting aside the public faith, and, by giving a *casus belli* to the other party, to be used or not at its discretion, Congress would make war, though it did not declare it. Sir, I will now review the precedents which

l treaties previ-ve arisen in the history of our country on this subject ; and, if I mistake not, they
o abrogate trea-ill be found to conform to the statement of elementary principles as above sug-
of war, no one,sted. It is to be regretted that all the precedents were made in times of high
ry refined inge-erty excitement, and are therefore subject to the suspicion of intermingled er-
ject. Treaties,rr. Some of them, however, have been quoted on the other side; if, therefore,
e law they are can be shown that they are inapplicable to the question under consideration, or
us binding, for,at they prove the negation of legislative power in Congress, their authority
nicipal law of,ill scarcely be questioned.

or subjects of The first controversy between the Executive and Congress on this subject
belongs exclu-rose on Jay's treaty. It was then contended, and by the Republican party,
the object and,at the House of Representatives was not bound to carry out a treaty which
onal law. If a,ad been made and ratified by the President and Senate. Whenever it was ne-
o be binding as,essary to call on the House to make appropriations to execute a treaty, it was
of the municipi-ontended that the whole matter was open, and an appropriation might or might
ich Congress,not be made, at the discretion of the House. This doctrine is at war with the
y a declaration,dea, that a treaty properly made is the supreme law of the land; and, in 1816,
aw; when the,ongress, if not in form, certainly in substance, reversed this decision. Judge
are such treaty,Kent says, commenting on this matter: "The argument in favor of the bind-

is it pretended,ng and conclusive efficacy of any treaty made by the President and Senate is
ver have been,so clear and palpable, that it has probably carried very general conviction through-
, have author-out the community, and this may now be considered as the decided sense of
e error arises,public opinion. This was the sense of the House of Representatives, in 1816,
epartments of,and the resolution of 1796 would not now be repeated." 1 Kent. Com., 287.

s treaties; in,The next instance of legislative interference, on the subject of treaties, was
em, in 1798, when Congress declared by a solemn act that our treaties with France
abrogate any,were abrogated. This has been relied on, before the committee, as an instance
the public in,in point, to prove the authority of Congress. A careful review of the circum-
the evil,stances will most fully show the reverse.

ght to be ab,The bill which originated in the Senate was accompanied with a long pream-
to modify or,ble, in which was fully set forth the acts of flagrant bad faith, not to say of ac-
without a de-tual war, which had been perpetrated by France against the United States.
declare them,Among other things, that preamble recites, that, "whereas, a regard to national
gence of our,interests requires (and the principles of the law of nations justify the measure)
adjudged in,that when one party to a solemn compact openly violates it, the other is re-
of Congress,leased from all its obligations."* It is clear that the authority here exercised by
e, could be,Congress was a municipal declaration only to the citizens of the United States,
r of the pub,directory of their duties and rights in the premises, in view of the abrogation of
ing a casus,that part of the public law depending on convention, which had been made by
ould make,France. Congress did not assume to abrogate the treaties as a part of public
dents which

* Poreupine Gazette, June 25, 1798.

law; but, finding it already violated and void, it declared the citizen no longer bound by it.

Those who are at all acquainted with the history of that period, will recollect that great causes of offence to our country had been given by France; all diplomatic intercourse was refused; our Ministers were not only not received, but were actually insulted by the French authorities; our commerce was subjected to spoliation, and every act which could mark a state of hostilities, with the single exception of a formal declaration of war, was perpetrated. In this state of things Congress assembled. Measures were recommended and adopted to defend the country in this emergency—in this war. It was actual war, though, in the language of the times, it was denominated a *quasi* war—for no other reason, I apprehend, but because hostilities had not been preceded by a public manifesto or declaration of war, which, though usual in modern times, is not necessarily prerequisite.

Among the measures adopted, was, not only the abrogation of the treaties previously subsisting between the two countries—not only the interdicting of all commercial intercourse between the citizens of the two countries—not only a declaration of intention to treat with rigor such French citizens as might be made prisoners, unless the insults and injuries upon American citizens should be discontinued—but also the appointment of Gen. Washington to the command of the army, together with active military preparations of all kinds. This was war. If France had made a formal declaration of war, all treaties would have been at an end, and the relative rights and duties of our citizens would have been defined. But acts of war equally ended the treaties without a formal declaration, however the rights and duties of the citizen were left in ambiguity. It was therefore necessary for Congress to act in the matter, in order that ambiguity should be removed; and the action was justified on the principle of war.

But, sir, even in this condition of affairs, the Republican party of those times refused their assent to the abrogation of the French treaties. In Congress, the power and expediency of the measure was denied by Tazewell and Mason, of Virginia, then the able Senators from that State; by Macon and Giles, and Gallatin and Edward Livingston; in a word, by all the Republican members of the House of Representatives. The vote of the whole party is recorded against it.*

Before gentlemen can claim this as an apt precedent for the justification of legislative action in the present case, they should shew that Great Britain has violated her treaty-faith, or has committed such acts of hostility as put an end to our treaties with her as a part of the public law. I believe nothing of this kind is pretended. It is said, however, that as the convention provides for the notice, the case stands on the same footing as if Great Britain had, by an act of hostility or bad faith, made it void; that the giving of notice requires no negotia-

* See Senate Journal, 1798, p. 517; House Journal, 1798, p. 374.

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tion, and can only be properly ordered by Congress. This, I understand, to be the principle of the argument which deduces the power from the right of making war. A very brief statement of the facts fully exposes the difference in the cases. Notwithstanding the notice be given, still the convention is to continue in force for the twelve months pending notice, as a part of the public law. Congress is assuming to repeal a part of the public law, not a void treaty, no longer binding as part of the municipal law. The pacific relations of the two countries are to be continued, existing treaties to be observed, except as modified by this notice.

Is not the notice, therefore, in the nature of a negotiation to modify existing treaties? Were the notice not provided for in the convention itself, negotiation would be the only peaceful mode by which the convention could be terminated, in which the consent of each of the contracting parties would be necessary. Its being provided for varies the case only so far, that the consent of one party to the abrogation is pledged whenever the other party, upon twelve months' notice, shall require it. Clearly this is negotiation, and belongs to the treaty-making power, because it, in fact, makes a new treaty with Great Britain.

Until within a recent period, such seems to have been the opinion entertained. Such certainly was the opinion so late as the first session of the last Congress. The Committee on Territories, at the head of which was a learned and distinguished jurist, since Governor of Tennessee, at that session, in their report accompanying a bill to organize some system of law in Oregon, hold this language in reference to the proper department of the Government to give this notice: "Any possible inconveniences arising from the continuance of the convention of 1827, not now anticipated by the committee, can, and doubtless will, be looked to by the Executive, who can at any time abrogate the same, by giving the notice contemplated in it. The giving of that notice, being a matter of treaty stipulation, belongs, perhaps, exclusively to the Executive, on whose province there is no occasion, and the committee have no inclination, to intrude." *

Many reasons might be given why, so long as a treaty is suffered to continue, questions respecting negotiation should not be agitated by this House. Throwing such questions before the people, through the discussions here, converts the people and the House of Representatives into negotiators in derogation of the Constitution, and in derogation of the rights and duties of the Executive and Senate, to whom such delicate and often complicated matters are wisely submitted.

While these are my opinions as to the authority of this House to pass this resolution of notice, I have as little doubt that, as an advisory act, we may speak the voice of the people. We may give such advice, or we may withhold it. We may say to the Executive, if you so conduct the important matters committed to

* Rep. No. 308, 1 Sess 28 Cong., p. 5. Vol. 1, Rep. Cong., 1 Sess. 28 Cong.

you as to continue this treaty, it will or will not be wise and prudent; and if you abrogate it, it will or will not be acceptable, in our opinion, to those whom we represent. Such has uniformly been the practice of the House. During the first two Administrations, it was customary to vote a response, in the House, to the annual message of the Executive; and, though this practice afterwards fell into disuse, the House has never failed to give an expression of opinion, by way of advice or answer, whenever a suitable occasion seemed to demand it. But I protest against the attempt on the part of the House to abrogate a treaty by legislation, unless it shall first be shown that a violation of the treaty has been committed by the other party; or, when its observance is so ruinous that war itself would be preferable. Then, under the power to make war, Congress may perhaps assume the responsibility of the abrogation, because we would thereby make war by presenting a *casus belli* to the other party.

All the resolutions which have been submitted, whether original or those proposed as amendments, except those presented by my colleague, (Mr. BLACK,) propose legislative action. In form, they assume to confer authority, and impose the duty, on the Executive to give the notice. They pre-suppose a want of power in the President and Senate to give this notice. With these views, were I to concur in the expediency of the measure, still I would be unable to vote for any of the resolutions before the committee, except those of my colleague.

I will now invite the attention of the committee to the second proposition—the enquiry as to the expediency of the measure. With all the patience and candor, and diligence of research, which the importance of the subject merits, and under a full sense of the responsibility of my situation, I have labored, since the commencement of the session, to examine the subject in strict reference to my own duty and the good of the country. When a question arises between the United States and Great Britain, I am always under the necessity of schooling myself before I approach its examination. National prejudices are probably as unphilosophical as anti-christian; yet, under long and continued causes of irritation, they are not easily subdued nor readily disregarded. I confess there is an hereditary hate which still lingers, not only in my own breast, but also in the breasts of hundreds of my constituents, against the British nation. In the war of the Revolution, my entire congressional district was an extended battle-field. From Georgetown to Cheraw, not a neighborhood, and scarcely a family mansion, was without its incident of danger and distress. In the swamps and in the open plain, by the household altars and firesides, in the presence and under the encouragement, mingled with trepidation, of wives and children, there were deadly strifes between the subjects of that power and the ancestors of those whom I have the honor to represent. Under Marion, and Kalb, and Conway, and Thomas, and hundreds more, whose military deeds would add lustre to the

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pages of the history of any people, the glorious war of freedom was waged with sanguinary and various success. With the exception of Marion, they have all found the grave of historic oblivion, for want of writers to record their achievements—

“They had no poet—and they died.”

But the interesting family legends of the region preserve a pious record of their services and sufferings, and perpetuate, almost in defiance of our religion, the name of Briton as synonymous with enemy. Subsequent causes of irritation have been multiplied in the taunts and offensive policy of our ancient foe, which have provoked a love for our prejudices, despite the persuasion of our interest, or the sweet suggestions of charity to a better feeling.

Sir, we fully appreciate the evils of war, and its more than ordinary horrors, when waged by such stern and powerful belligerents as the United States and Great Britain would be. The sacrifice of life and treasure, the stagnation of business and enterprise, the suspension of all improvements in the face of the country and the arts of life, the sufferings of individuals and the distress in families, which the cruelties of war necessarily inflict, the destruction of property, both public and private, the malign influence upon the morals, both of the citizens and the Government, are some of those evils. I turn away from a description of its horrors. The glories of the battle-field are won amid the legalized cruelties of butchery, and the laws of civilized warfare but feebly control the excesses of passion, or the wild brutality of an excited soldiery. In full view of its aggravated evils, however, when the Government of the country shall find a war necessary and just, and shall summon the citizens to the defence of our rights or honor, notwithstanding the taunts which have been so gratuitously cast upon South Carolina in this debate, her people will be found among the foremost in the fight—roused to the fanaticism of patriotism and valor by a recollection of their fathers' deeds in arms, and by a natural zeal to avenge every wrong and insult which Great Britain, in fact or seemingly, has, from first to last, ever offered us. But, sir, we would not provoke, nor do we desire, an unjust war. I will, therefore, always look narrowly at the cause of war, and especially at every question of controversy between us and Great Britain. It is due to ourselves, no less than to others, to be just.

In the war I battle-field. family man- camps and in ce and under , there were rs of those and Conway, lustre to the

It is with such feelings that I have looked into this question of expediency. Is it expedient that this convention for the joint occupation of Oregon should be now terminated? There was a time when its continuance was wise and proper; and, in my judgment, it would still be so but for supervening causes, which have recently, within the last few years, been thrown in, and are daily becoming more powerful, and which make the continuance of the convention unwise and dangerous. I will state briefly the reasons for the abrogation of the convention.

1. *The honor of the country requires it.*—National honor is no empty bauble or idle fancy. It is one of the great elements of national wealth and defence; just as much so as the funds in the treasury, or the hardy population which treads your soil. It defends the citizen wherever he goes, both in person and property, and is as potential in its influence on the interests of a country as any other element of wealth or defence. It may be tarnished, not only by submission to injuries and insults from abroad, but equally by a neglect of the duties of justice and protection to the citizens at home. No duty of the Government is more plain than that of protection to the citizens by the proper exercise of regular authority, and the due administration of law in its various functions and offices. The citizens in every part of the republic have equally the right of being protected; and no arrangement of the Government with a foreign nation, of which it can disentangle itself, can honorably continue, which ties the hands of the Government, and limits its ability to give that protection and care to a portion of its citizens, which is the birthright of all, and which is granted to all.

Distinguished statesmen have doubted, some have denied, our authority to extend the laws of the United States over Oregon pending the convention of 1827. All admit that we are not free to act as fully in this matter as we might do if the convention were abrogated. In the last year or two, our citizens, with their wives and children, have passed into Oregon. It is said that a population of eight thousand souls are now there, and that the number is constantly increasing. Their petitions have come up to us, asking for the protection of Government and law. Can we disregard their prayer? Ought we not to grant it? And, if so, can we honorably grant it in stinted measure, graduated by nice constructions and embarrassing stipulations of a treaty with Great Britain which we have the power, by compact, to annul? Ought we not to be as free to protect Oregon as Iowa or Wisconsin? When we had only a transient population of hunters and traders in the territory, the convention might well enough continue; now that we have a permanent population of settlers, requiring the establishment and administration of regular government, the honor of the country demands its abrogation.

2. *The interest of the country requires it.*—Can it be expected that the commerce and business of the country will prosper; or, that the pursuits of industry and the investment of capital in plans of improvement or enterprise will preserve their accustomed activity under the uncertainty and threatened hazards of the existing state of things? The public mind is perplexed, and men of business and capital are measurably paralyzed in their plans and operations. All classes of our citizens are uneasy and disquieted. Without a speedy settlement of our causes of difference with Great Britain, these doubts and disquietudes will increase with the increasing bitterness and irritation of the prolonged controversy.

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The notice to abrogate the convention will accelerate negotiations, by forcing upon both parties the necessity of terminating and adjusting the whole matter.

3. *The preservation of peace requires it.*—To those who reflect how rapidly international differences, when actively canvassed, engender and imbitter the prejudices and enmities of the respective citizens and subjects of the nations disputant, and how, after a short time, the charms of peace are forgotten, and the evils of war no longer dreaded, under the angry impulses and stubborn pride of aroused patriotism and military enthusiasm incident to a protracted controversy of this kind, scarcely a word is necessary in illustration of this proposition. Look to the history of the day touching this matter. Two years ago, yes, sir, a year ago, the whole matter was capable of satisfactory arrangement, in conformity with the offer of adjustment and settlement proposed by the President. Such an arrangement would have given almost universal satisfaction in the United States. Now, under the heat of discussion, as well here as in the country, many are opposed to that basis of adjustment, and would prefer war even to it. The longer the controversy is kept open, the more prevalent will become this opinion, and so much the more will be diminished the chances of an amicable arrangement. Delay is dangerous.

If the American citizens and British subjects in Oregon should escape a collision, which is not to be expected, in the state of the public mind, and amid the causes and occasions of irritation, resulting from their proximity and intercourse with each other in that distant region; more especially, too, when their hardy and fearless character for adventure, as pioneers, is remembered; it will be almost impossible to keep the question without the vortex of politics within the States; it will be made a political hobby; parties will either divide upon it, or, instructed by the disasters of opposition to Texas, will vie with each other in making bold and extreme demands on Great Britain. Thrown into the strifes of our election, it will no longer be a question of negotiation. Our demands, as supposed to have been ascertained and fixed by the result in the popular vote, must be literally recognised and granted by Great Britain, or war is inevitable. In the mean time, the same state of things will be growing up in England. Neither party will recede. It will be made a point of honor between the nations, which the sword only can adjust.

4. *The preservation of Oregon requires it.*—Sir, who remembers not the caustic rebuke with which Lord Chatham scowled down that fawning royalist, Townsend, in the British Parliament, when, in one of his tirades against the American colonies, he urged the right of Parliament to levy contributions on them, in consideration of the kindness of the Government of Great Britain in planting them in America, and taking care of them until they had grown up to strength and power. With that contemptuous majesty of mien which truth only can inspire when offended by the presence of injustice and falsehood, and which no one ever wore with a prouder or more becoming port than the great

statesman of England, no sooner had Townsend made the assertion than he echoed back his words, and indignantly replied: "Your oppressions planted them there. They have grown by your neglect." May not, hereafter, some citizen of this Republic beyond the Rocky Mountains, some rural Pitt beyond those stony cliffs, burning with a sense of our injustice towards that portion of the country, turn upon us the like withering rebuke? May he not say, truly, we "have grown by your neglect;" we have increased in power without your aid; we have defended ourselves without your protection; we are freemen, and independent of all the world; you cast us off in our infancy, now learn to dread our manhood?

I have already said, that, so long as the convention continues, we cannot give full protection and aid to Oregon. Injustice on our part may well teach the settlers there to dream of independence and a separate government. To be the Romulus of an empire, the founder of a great people on that far-distant Ausonian shore, would be no small temptation or unenvied glory to an ambitious man. Great Britain would, perhaps, be not unfriendly to such a design. If, then, we would not multiply difficulties in our own way, or increase the hazards of our retaining Oregon as part of the United States, this convention should be terminated.

What will be the effect of this notice? I have assumed, in my argument, that our claim to Oregon is clear and unquestionable up to some point. I have not time to review the evidences of our title, nor is it necessary. Enough has been said already, in this debate, on that subject. From all the investigation which I have been able to give the subject, I have come to the conclusion, that if this were a new question—what lawyers denominate *res integra*—we would have the best title up to 54 deg. 40 min. But it is not *res integra*; it is, in some respects, *res adjudicata*; and though there be no tribunal to enforce decisions on nations, yet a decent respect to the opinion of mankind requires fairness and justice in their practice and intercourse. Since 1790, when the Nootka Sound Convention was made with Spain, England has set up claim to rights in Oregon. We have allowed her to share equal privileges in common with ourselves. By solemn treaty in 1818, and afterwards in 1827, we have, in some sort, recognised the existence of her rights. On repeated occasions we have offered to divide the territory at the 49th deg. of north latitude. South of this parallel we have never compromised our rights by an offer of any kind; and to this extent I consider our title "clear and unquestionable." I believe my constituents will never consent to surrender one foot south of this line. Let war, with whatever desolation it may bring, be the only remaining alternative, still they will never degrade the rights of the country, or bastardize themselves, as the descendants of revolutionary sires, by surrendering a foot of soil to Great Britain which is clearly our own. In reference to all that has been done, as well as that such an arrangement would give us a straight line of boundary from the Rocky moun-

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tains to the sea, I think it a fair line of compromise; and further, if Great Britain should offer that line to the President, he is bound in fairness to accept it. This result the notice will most probably effect.

If, in consequence of the notice, war shall ensue, I shall regard it as a great calamity. I believe that nothing will bring it upon us but egregious blunders on both sides; or great and deliberate wickedness, a total disregard of the interests of the citizens and subjects of both nations, and an utter contempt for the judgment of the civilized world. The question should be settled by negotiation. There will be no war, unless it is produced by political blundering or political sinning. I have no fears respecting our Executive; and we have hostages from Great Britain. These are her interests. By these we hold her to peace, and by these the whole civilized world holds her to a continuance of that peace which for thirty years she has observed. Not only her foreign and commercial interests, but her domestic interests also, bind her to peace. Nations have no future state of rewards and punishments; national sins, therefore, if punished at all, must receive the chastisements of God in temporal calamities. War, pestilence, and famine are the usual penalties of Providence on national offences. Civil war is the usual penalty for civil oppression. If Great Britain shall be so unwise as to make war upon us concerning this Oregon question, it may possibly be the time and occasion for the Almighty to unkennel upon her the millions she has oppressed for ages past, and whom she still holds beneath her iron yoke. They will, in his Almighty hand, become the terrible instrument of avenging their own wrongs and those of the oppressed generations who preceded them. Let her remember how God made the oppressors the victims of the oppressed in France, and let her tremble. Peace is her policy; I think she will pursue it.

There are other topics connected with the question to which I would be pleased to advert; but I see my sand runs low.

Sir, you, no doubt, remember the story in mythology which represents Time, under the name of Saturn, as the destroyer of his own children. We have seen the Grecian myth practically illustrated throughout this debate. The inexorable hammer, in the hand of Time's high-priest—your worthy self—has, hour after hour, fallen regularly, as if marking the mystic periods of sacrifice, when victim after victim, dressed in all the wreathes of rhetoric's most choice flowers, has been led up to the altar, and, with all his blushing honors thick upon him, has been smitten down, amidst appropriate rites and ceremonies observed by the anxious worshippers of the same divinity, who gather round him in his last moments, and drown the gloomy wailings of his voice, and the sweet eloquence of a peroration, in the hurried tumult and wild chorus of "Mr. Chairman, Mr. Chairman." I would spare myself from this violent end; and submitting to what is, beyond all doubt, "manifest destiny," I will simply return my thanks to the Committee for their kind attention, and sacrifice my wishes for further debate without waiting for the formal knell of your hammer.